

JURISPRUDENCE — C.S.S.B. 793

STATE AFFAIRS — C.S.S.B. 1321

CRIMINAL JUSTICE — H.B. 592, H.B. 466 (Amended), S.B. 569, C.S.S.B. 1276, S.B. 1582 (Amended), S.B. 1217 (Amended), H.B. 981, H.B. 1695, C.S.S.B. 840

SIGNED BY GOVERNOR

(May 3, 1995)

H.C.R. 3
H.C.R. 64
H.C.R. 99
H.C.R. 146
H.C.R. 156
H.C.R. 167
H.C.R. 169
S.C.R. 120

SIXTY-THIRD DAY

(Continued)

(Thursday, May 4, 1995)

AFTER RECESS

The Senate met at 7:30 a.m. and was called to order by Senator Moncrief.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

H.B. 637 (Henderson) Relating to certification of court reporters. (31-0) (31-0)

H.B. 645 (Harris) Relating to municipal approval of certain amending plats. (31-0) (31-0)

H.B. 767 (Bivins) Relating to the terms of court of the 142nd District Court. (31-0) (31-0)

H.B. 1235 (Leedom) Relating to special judges elected by the practicing lawyers of the statutory probate courts in Dallas County. (31-0) (31-0)

H.B. 1294 (Brown) Relating to the duties of a clerk of a justice court. (31-0) (31-0)

H.B. 1486 (Sims) Relating to the juvenile board of Mitchell County. (31-0) (31-0)

H.B. 1503 (Whitmire) Relating to participation in, administration of, and benefits from certain municipal retirement systems. (31-0) (31-0)

C.S.H.B. 1552 (Zaffirini) Relating to the assignment and docketing of certain cases by the district clerk of Webb County. (31-0) (31-0)

C.S.H.B. 1647 (Ratliff) Relating to purchasing and contracting authority of municipalities. (31-0) (31-0)

H.B. 1664 (Haywood) Relating to notice of a meeting of the governing board of an institution of higher education. (31-0) (31-0)

Senator Haywood offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 1664** as follows:

On line 9, page 1, by striking the word "an" and inserting the phrase "a single" after the word "of".

The committee amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 1664** as follows:

1) On page 1, line 13, after the word "institution" add the words "if an issue of the newspaper is published between the time of the posting and the time of the meeting".

The committee amendment was read and was adopted by a viva voce vote.

H.B. 1737 (Gallegos) Relating to the application of the professional prosecutors law to the district attorney for the 259th Judicial District. (31-0) (31-0)

H.B. 2028 (Henderson) Relating to the conduct of masters appointed to preside over certain mental health hearings. (31-0) (31-0)

H.B. 2066 (Armbrister) Relating to enrollment in courses and programs at the University of Houston-Clear Lake and the University of Houston-Victoria. (31-0) (31-0)

H.B. 2068 (Haywood) Relating to tuition paid by air force personnel for certain courses at Midwestern State University. (31-0) (31-0)

H.B. 2183 (Patterson) Relating to the creation of a mass transit department in cities of a certain population. (31-0) (31-0)

H.B. 3168 (Zaffirini) Relating to certain jury panels in Webb County. (31-0) (31-0)

S.C.R. 124 (Zaffirini) Directing the Texas Higher Education Coordinating Board to study the feasibility of establishing regional areas of principal responsibility for health professions education. (vv)

C.S.S.B. 527 (Bivins) Relating to an automobile allowance paid to certain officers of the state or a political subdivision of the state. (31-0) (31-0)

S.B. 938 (Truan) Relating to the terms of court of the 319th District Court. (31-0) (31-0)

S.B. 949 (Sims) Relating to authorizing county commissioners to ban the introduction of contraband into county jails; providing a penalty. (31-0) (31-0)

C.S.S.B. 1029 (Haywood) Relating to persons subject to regulation as telephone solicitors. (31-0) (31-0)

C.S.S.B. 1099 (Zaffirini) Relating to the interagency council on early childhood intervention. (31-0) (31-0)

S.B. 1158 (Sibley) Relating to the use of a caller identification service by commercial mobile radio service providers licensed by the Federal Communications Commission. (31-0) (31-0)

C.S.S.B. 1175 (Lucio) Relating to advocates for survivors of sexual assault and to confidential communications; providing a criminal penalty. (31-0) (31-0)

S.B. 1249 (Montford) Relating to court coordinators and computer equipment for certain district courts. (31-0) (31-0)

S.B. 1278 (Luna) Relating to the rights of an owner or operator of a towed vehicle. (31-0) (31-0)

Senator Luna offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1278** in SECTION 1 of the bill by striking Subsections (b) and (c), Section 2, Article 6701g-3, as amended by the bill (introduced version, page 1, line 21 through page 2, line 5), and substituting:

(b) Except as provided by Subsection (c) of this section, a hearing under this article shall be before a justice of the peace or magistrate in whose jurisdiction the location from which the vehicle was removed [~~vehicle storage facility~~] is located.

(c) In a municipality that has a population of 1,200,000 or more, according to the most recent federal decennial census, a hearing under this article shall be before a municipal court judge in whose jurisdiction the location from which the vehicle was removed [~~vehicle storage facility~~] is located.

The committee amendment was read and was adopted by a viva voce vote.

Senator Luna offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 1278 in SECTION 1 of the bill by striking Subsections (a) and (c), Section 4, Article 6701 g-3, as amended by the bill (introduced version, page 3, lines 7-9, lines 14-18), and substituting:

Sec. 4. HEARING. (a) A hearing under this article shall be held before the ~~[fourth]~~ seventh working day after the date the request for the hearing received by the court.

(c) The court may charge a filing fee of \$10 for a hearing under this article and may award court costs to the prevailing party. If the owner or operator of the vehicle is the prevailing party, the court may award the reasonable cost of any photographs submitted under Section 3(b)(7) of this article.

The committee amendment was read and was adopted by a viva voce vote.

C.S.S.B. 1286 (Montford) Relating to municipal courts of record in Odessa. (31-0) (31-0)

S.B. 1319 (Armbrister) Relating to aural communications; authorizing civil damages; providing criminal penalties; and conforming certain laws to federal law. (31-0) (31-0)

S.B. 1363 (Wentworth) Relating to required protective headgear for motorcycle operators and passengers. (31-0) (31-0)

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 1363 as follows:

(1) Amending existing subdivision (c) of Article 6701c-3 to read as follows:

(c) A medical exemption may only be issued by a practicing physician licensed to practice medicine by the Texas State Board of Medical Examiners to a person who has a medical condition ~~[sustained an acute head or facial injury]~~ that would be worsened if the person wore protective headgear.

(2) Strike the period at the end of subsection (d)(2) and insert or and add a new subsection (d)(3) to existing Article 6701c-3, V.T.C.S. to read as follows:

(3) shall be permanent if a physician attests that the medical condition causing the need for the exemption is a permanent condition.

The committee amendment was read and was adopted by a viva voce vote.

S.B. 1410 (Harris) Relating to the inclusion of the services of licensed chemical dependency counselors in certain health insurance coverage. (31-0) (31-0)

S.B. 1416 (Truan) Relating to the organization of state fiscal data by the Legislative Budget Board. (31-0) (31-0)

S.B. 1417 (Truan) Relating to establishment of an investment budgeting pilot project for state spending. (31-0) (31-0)

S.B. 1418 (Truan) Relating to benchmarks for the state strategic planning process. (31-0) (31-0)

Senator Truan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1418** by inserting the following on page 1, line 7, after the word develop: "and recommend to the Legislature".

The committee amendment was read and was adopted by a viva voce vote.

S.B. 1491 (Shapiro) Relating to testing and remedial education of students 55 years of age or older and to tuition and fees charged to those students at public institutions of higher education. (31-0) (31-0)

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1491** as follows:

In SECTION 1 of the bill, in proposed Section 51.306(q), Education Code (introduced version, page 1, line 8), strike "person" and substitute "non-degree or non-certificate seeking student".

The committee amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 1491** as follows:

In SECTION 1 of the bill, in proposed Section 51.306(q), Education Code (introduced version, page 1, lines 11 through 12), strike "for credit toward a degree or certificate".

The committee amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **S.B. 1491** as follows:

In SECTION 2 of the bill, in proposed Section 54.067(a), Education Code (introduced version, page 1, line 18), insert "under the condition that a student under 55 years of age will not be precluded from enrolling in a course for credit toward a degree or certificate" after "chapter" and before "§".

The committee amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend **S.B. 1491** as follows:

In SECTION 2 of the bill, following proposed Section 54.067(b), Education Code (introduced version, page 2, between lines 3 and 4), insert the following:

(c) The legislature in an appropriations act shall account for the rates authorized by Section 54.067(a) in a way that does not increase the general revenue appropriations to that institution.

The committee amendment was read and was adopted by a viva voce vote.

S.B. 1530 (Ellis) Relating to the rate of the county hotel occupancy tax. (31-0) (31-0)

S.B. 1545 (Henderson) Relating to the seizure and sale for delinquent ad valorem taxes of abandoned real property in a municipality. (31-0) (31-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1545** as follows:

On page 3 after line 13 add a new Section 33.95. to read as follows:

"Sec. 33.95. PURCHASER. A purchaser for value at or subsequent to the tax sale may conclusively presume the validity of the sale and takes free of any claim of a party with a prior interest in the property subject to the provisions of Section 16.002(b), Civil Practices and Remedies Code, and subject to applicable rights of redemption."

The committee amendment was read and was adopted by a viva voce vote.

S.B. 1554 (Nixon) Relating to the eligibility for training and certification as a medication aide. (31-0) (31-0)

S.B. 1585 (Henderson) Relating to the Harris County Child Support Department. (31-0) (31-0)

S.B. 1622 (Sims) Relating to the creation of the County Court at Law No. 3 of Bell County. (31-0) (31-0)

C.S.S.B. 1624 (Gallegos) Relating to the legal defense of certain county officials or employees. (31-0) (31-0)

S.B. 1652 (Zaffirini) Relating to the creation of a statutory county court in Bee County. (31-0) (31-0)

**BILL AND RESOLUTION REMOVED FROM
LOCAL AND UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
S.C.R. 125	Harris
S.B. 1338	Brown, Moncrief

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Truan, the Senate at 7:54 a.m. adjourned until 9:30 a.m. today.

SIXTY-FOURTH DAY

(Thursday, May 4, 1995)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend James W. Nutter, Palmer Memorial Episcopal Church, Houston, offered the invocation as follows:

Gracious and heavenly Father, we give You thanks for this day, this opportunity to serve You, and for this great state and mighty nation in which we are fortunate enough to live. We pray for Your guidance and inspiration to fill this place and all who work here. May Your will be manifest in their actions and Your pleasure in